

REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 16 and 36 have been amended. Hence, claims 16, 18-24, 26, and 28-39 are pending in the application. The amendments to the claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Office Action mailed April 29, 2008 are addressed hereinafter.

I. ISSUES NOT RELATING TO PRIOR ART

Claims 16-24 and 37 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

Applicants amended claims 16 and 36 to cure the deficiency, and respectfully request reconsideration and withdrawal of the rejection.

II. ISSUES RELATING TO ALLEGED PRIOR ART**A. Rejection under 35 USC § 103(a)**

Claims 16, 18-24, 26 and 28-39 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Haggerty et al. (U.S. Patent No. 6,331,983 B1, hereinafter Haggerty) in view of Srivastava (U.S. Patent No. 6,684,331 B1, hereinafter Srivastava). The rejection is respectfully traversed.

CLAIM 16

Present claim 16 recites:

16. An apparatus for processing data at a node in a data network, wherein the data network connects a plurality of nodes and at least a portion of the plurality of the nodes form a multicast group, the apparatus comprising:

a data store that stores a plurality of entries associated with the multicast group, wherein each entry identifies a source that published the entry; and
one or more processors comprising one or more sequences of instructions which when executed by one or more processors, cause the one or more processors to perform:
logic that disseminates the plurality of entries to members of the multicast group;
logic that receives, from a node that is not a member of the multicast group, a request to run a query, wherein the query specifies matching criteria;
logic that runs the query against the entries in the data store;
logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast group; and
logic that disseminates one or more entries that satisfy the matching criteria to the node that is not a member of the multicast group.

The Office Action conceded that Haggerty does not describe: **“logic that indicates that the apparatus has been designated as a sole rendezvous node in the multicast group, wherein designation as the sole rendezvous node indicates that the apparatus is to disseminate the plurality of entries to members of the multicast group.”** (Office Action, page 4) However, the Office Action alleges that Srivastava teaches the above feature. (Office Action, page 4)

Applicants respectfully submit that Srivastava is ineligible as a reference. Srivastava was filed on December 22, 1999, whereas applicants claim priority from the Provisional Patent Application Serial No. 60/137,153 filed on June 1, 1999, which is more than five (5) months before Srivastava’s priority date. Further, applicant’s present application is a divisional of the parent application Serial No. 09/412,815 filed on October 5, 1999, which is more than two (2)

months before Srivastava's priority date. The above information is available to the Office via the PAIR system, under the "Continuity Data" tab.

Therefore, applicants respectfully request reconsideration and removal of Srivastava as a reference. Applicants submit that Srivastava cannot be used to reject claim 16 under 35 U.S.C. § 103(a).

Reconsideration and withdrawal of the rejection is respectfully requested.

CLAIMS 26 AND 36

Independent claims 26 and 36 recite features similar to those recited in claim 16. Therefore, claims 26 and 26 are not unpatentable over Haggerty in view of Srivastava for the reasons discussed for claim 16.

Reconsideration and withdrawal of the rejection is respectfully requested.

REMAINING DEPENDENT CLAIMS

The pending claims not discussed so far are dependent claims that depend directly or indirectly on a claim that is discussed above. Because each of the dependent claims includes the limitations of the claim upon which it depends, the dependent claims are patentable for at least those reasons given above for the claim upon which it depends. In addition, the dependent claims introduce additional limitations that independently render them patentable. However, due to the fundamental difference already identified, a separate discussion of those limitations is not included.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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